



The Comptroller General
of the United States

Washington, D.C. 20548

Petrovite

Decision

Matter of: Florida Transportation Services, Incorporated
File: B-235559
Date: May 24, 1989

DIGEST

Since as the fifth low offeror in a procurement in which price is the only evaluation factor the protester's direct economic interest is not affected by the award of the contract, the protester is not an interested party eligible to pursue a protest against award to the low offeror.

DECISION

Florida Transportation Services, Incorporated (FTS), protests the award of a contract to South East Atlantic Cargo Operators (SEACO) under request for proposals (RFP) No. DAHC24-89-R-0003, issued by the Military Traffic Management Command for stevedoring and related terminal services to support operations of the Rapid Deployment Force at Blount Island, Jacksonville, Florida. FTS contends that SEACO has proposed labor rates which violate the Contract Work Hours and Safety Standards Act and the wage determination required by the Service Contract Act.

We dismiss the protest because FTS is not an interested party as required by the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551 (Supp. IV 1986), and our Bid Protest Regulations, 4 C.F.R. § 21.0(a) and 21.1(a) (1988).

An interested party is defined in both CICA and our Regulations as an actual or prospective offeror whose direct economic interest would be affected by the award of contract or by the failure to award a contract. Generally, a party will not be deemed to have the necessary economic interest where there are other intervening offerors that would be in line for award if the awardee were eliminated from the competition. Viktoria-Schafer GmbH & Co., KG, B-231392, June 22, 1988, 88-1 CPD ¶ 601.

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The RFP provided that the government would award one contract covering all the required services to the offeror offering the lowest overall gross dollar amount. Thus, the competition was based solely on price.

The abstract of offers reveals that FTS is the fifth low offeror. While FTS challenges award to SEACO, it does not challenge the eligibility of the other lower priced offerors. Accordingly, FTS, as the fifth low offeror, would not be in line for award even if its protest were sustained and, therefore, is not an interested party.

The protest is dismissed.

A handwritten signature in black ink, appearing to read 'R. M. Strong', is written over the printed name.

Robert M. Strong
Associate General Counsel